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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,621	06/05/2002	Albrecht Goecke	449122021700	3437
25227 7590 09/25/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER NGUYEN, TUAN HOANG	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/069,621

Applicant(s)

GOECKE ET AL.

Examiner

Tuan H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 07/09/2007 have been fully considered but they are not persuasive.

In response to Applicant's remark on pages 2-3, Applicant argues that Jacobs, Paul, E. et al. (International Publication Number WO 98/34203 hereinafter, "Jacobs") reference cited by the Examiner fails to teach or suggest the features of claim 1 as an input device having an output connected to the memory device, to input the user-specific data into the memory device; and the transmission device has a plurality of preconfigured transmission units each having an associated transmission method, and a selection device to select one or more preconfigured transmission devices. Examiner respectfully disagrees with the Applicant argument. Applicant should refer to Jacobs reference in figures 1-3 page 7 line 9 through page 8 line 18 where as the Examiner interpreted **an input device having an output connected to the memory device, to input the user-specific data into the memory device** i.e., the credit card accounts may be, for example, VISA, MASTER CHARGE, and AMERICAN EXPRESS accounts and may be identified by appropriate icons in display screen 24. The customer enters a selection by, for example, pressing (input) the appropriate button on keypad 26 corresponding to the number of the selected accounts. The selection is output to the memory device to transmit to the clearinghouse 18; and **the transmission device has a plurality of preconfigured transmission units each having an associated**

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transmission method, and a selection device to select one or more preconfigured transmission devices i.e., Clearinghouse 18 also transmits a request for either digital money or a financial ID specifying a credit or debit account and approval to charge the account. The mobile unit 12 receives the signals and presents appropriate displays to the customer to display information received from clearinghouse 18 and to request selection of a credit or debit account or digital money (figure 2, step 112). To this end, mobile unit 12 retrieves pre-stored financial information (preconfigured transmission) from a memory unit (not shown) within the mobile unit identifying the credit and debit accounts of the customer of mobile unit 12 and any digital money stored therein. Therefore, the teaching of the prior art references still read on.

Base on the above rational, it is believed that the claimed limitations are met by the references submitted and therefore, the rejection are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-5, 7, 9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs, Paul, E. et al. (International Publication Number WO 98/34203 hereinafter, "Jacobs").

Consider claim 1, Jacobs teaches a telecommunications terminal (12), comprising: a memory device to store user-specific data (see figs. 1 and 2 page 7 lines 16-23); an input device having an output connected to the memory device, to input the user-specific data into the memory device (page 8 lines 9-12); a transmission device having an input connected to the memory device, to transmit the user-specific data to another subscriber in a telecommunications network, the memory device and the transmission device are configured to store at least one string of digits and to transmit the string while a connection to the other subscriber exists (page 7 line 24 through page 8 line 18); and an actuation device to transfer the user-specific data from the memory device to the transmission device while the connection exists (page 7 line 24 through page 8 line 18); an authentication device to protect the user-specific data against unauthorized access (page 8 lines 8-14); and the transmission device has a plurality of preconfigured transmission units each having an associated transmission method, and a selection device to select one or more preconfigured transmission devices (page 7 line 9 through page 8 line 18).

Consider claim 2, Jacobs further teaches the input device comprises digit keys (page 7 lines 38-39).

Consider claims 3, Jacobs further teaches the input device comprises a microphone, and a voice memory or voice processing device is connected downstream of the microphone (page 9 lines 20-31).

Consider claims 4, Jacobs further teaches the input device and/or the actuation device have menu guidance (page 7 lines 24-37).

Consider claim 5, Jacobs further teaches the authentication device comprises input, comparison and storage units authenticate by password (read on secret number), PIN or biometric data (page 8 lines 12-18).

Consider claim 7, Jacobs further teaches the transmission device has voice transmission unit (page 9 lines 20-26).

Consider claim 9, Jacobs further teaches the selection device has menu guidance (page 7 lines 24-37).

Consider claim 11, Jacobs further teaches the transmission device has an associated encryption unit to encrypt the user-specific data before and/or during transmission (page 8 lines 8-18).

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Consider claim 12, Jacobs further teaches the terminal is a mobile telephone (page 6 lines 27-32).

Consider claim 13, Jacobs further teaches the transmission device is configured to transmit the user-specific data via an IP network and has a web browser (page 14 lines 33-39).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Mark (U.S PAT. 5,825,871).

Consider claim 6, Jacobs teaches a telecommunications terminal to store user-specific data and transmitting the specific data to the other subscriber.

Jacobs does not explicitly show that the transmission device has multifrequency transmission unit.

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In the same field of endeavor, Mark teaches the transmission device has multifrequency transmission unit (col. 34 lines 7-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the transmission device has multifrequency transmission unit, as taught by Mark, in order to provide an information storage device for storing and outputting personal identification information.

Consider claim 10, Mark further teaches the memory device is a multi-area memory to store a plurality of strings of digits in the memory areas, which can each be accessed using the actuation device (col. 38 lines 17-22).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of heinonen et al. (U.S PAT. 5,887,266 hereinafter, "Heinonen").

Consider claim 8, Jacobs teaches a telecommunications terminal to store user-specific data and transmitting the specific data to the other subscriber.

Jacobs does not explicitly show that the transmission device has a data fax, SMS, or USSD transmission unit.

In the same field of endeavor, Heinonen teaches the transmission device has a data fax, SMS, or USSD transmission unit (col. 2 line 56 through col. 3 line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the transmission device has a data fax, SMS, or

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USSD transmission unit, as taught by Heinonen, in order to provide a mobile station equipped with a suitable application module the user can make payments in a shop using his/her credit account (credit card application) or pay directly from his/her bank account (cash card application), and thus no real cash is needed.

7. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Kohda et al. (U.S. PUB. 2001/0011299 hereinafter, "Kohda").

Consider claim 14, Jacobs teaches a telecommunications terminal to store user-specific data and transmitting the specific data to the other subscriber.

Jacobs does not explicitly show that the input device and/or the memory device are held in a supplementary module, which is connected via an interface with data capacity, for a telephone, having a separate housing.

In the same field of endeavor, Kohda teaches the input device and/or the memory device are held in a supplementary module, which is connected via an interface with data capacity, for a telephone, having a separate housing (see fig. 2 page 5 [0095]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the input device and/or the memory device are held in a supplementary module, which is connected via an interface with data capacity, for a telephone, having a separate housing, as taught by Kohda, in order to configure to store

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service selection information identifying at least one of the separate services accessed by the receiving apparatus.

Consider claim 15, Kohda further teaches the supplementary module has a digit or alphanumeric keypad or a touch screen (page 7 [0124]).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this action should be mailed to:

Mail Stop _____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618
T.N.


NAY MAUNG
SUPERVISORY PATENT EXAMINER